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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/880,450	06/13/2001	Kenneth James Barker	CH9920000031US1	5180
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EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/880,450	BARKER ET AL.	
	Examiner	Art Unit	
	Steven HD Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 12-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8-11, 15 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Antosik (USP 6822975).

Regarding claims 1 and 12, Antosik discloses a method and device (Fig 1, Ref 102) for combining at least two data signals having an input data rate into a single data stream having an output data rate being higher than the input data rate for transmission on a shared medium or vice versa, said device comprising at least two ports (Fig 1, Ref 114s) for receiving said at least two data signals, a port scanning unit (Fig 1, Ref 122) for extracting data from the data signals received by said ports providing data streams having at least two different input data rates (See col. 3, lines 2-24).

Regarding claims 2 and 13, Antosik discloses a control logic unit (Fig 15) functionally connected to said port scanning unit for determining which of said at least two ports need to be handled within which clock cycle with regard to its input data rate (See col. 23, line 37 to col. 25, lines 40, a controller use the clocks of the input signals such 622 or 155 Mhz for adding the signals into output frames and dropping the input signals, the clocks are equal with input rates of the input ports).

Regarding claims 3 and 14, Antosik inherently discloses the control logic unit is configured to control said port scanning unit to access a port having a higher input data rate proportionally more often than a port having a lower input data rate (See col. 23, line 37 to col. 25, lines 40, a controller uses the clocks of the input signals such 622 or 155 Mhz to transferring the input signal to output signals).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antosik in view of Goodman (USP 6636529).

Antosik fails to disclose a central buffer connected to said port scanning unit into which data from all ports are written. In the same field of endeavor, Goodman discloses a buffer (Fig 4, Ref 490) which couples to a selector "port scanning" for storing the incoming signals from the ports according to the input rate or temporarily storing data is performed according to the FIFO (Fig 4, Ref 490) concept with a speed corresponding to the input data rate of the connected port or writing data from all ports are written in a central buffer (Fig 4, ref 490) . (Fig 4, See col. 9, lines 50 to col. 10, lines 13, the incoming data of the input port is written into the buffer and reading them from the buffer into output port according the input clock and output clock).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a buffer for storing the incoming signals or temporarily storing data

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is performed according to the FIFO concept with a speed corresponding to the input data rate of the connected port or writing data from all ports are written in a central buffer as disclosed by Gooman's system and method into Antosik's method and system in order to matching the rates between the inputs and a output frame. The motivation would have been to prevent data loss by bridging the clock of incoming signal with the output signal.

Allowable Subject Matter

5. Claims 23-28 are allowed.
6. Claims 4-6, 8-11, 15 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 4/11/05 have been fully considered but they are not persuasive.

In response to page 3, the applicant states that Antosik does not disclose a method and system for extracting data from the data signals. In reply, Antosik discloses a mux 122 for extracting data from the data signals such as OC-3/OC-12 and combining the data into OC-48 for transmission so the teaching of Antosik reads on a port scanning unit for extracting data from the data signals received by said ports providing data streams having at least two different input data rates (See col. 1, line 64 to col. 2, line 8; col. 3, lines 2-24, col. 4, lines 59-66).

In response to page 4, the applicant states that Antosik does not disclose a control logic unit for connecting to the port scanning unit for determining which of said at least two ports need to be handled within which clock cycle with regard to its input data rate. In reply, Antosik

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discloses a controller for identifying the incoming signals having clock rate 155 or 622 Mhz or 155mbps or 622 mbps from the customers based on the clock signals such 155 or 622 in order to multiplex them into OC-48 (See col. 23, line 38 to col. 24, lines 55). So Antosik clearly disclose a controller for determining the ports that have incoming signals that mux needs to be handled within its clock cycle such 155 or 622.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art or nature of the problem to be solved. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) and *In re Rouffet*, 149 F.3d 1350, 47 U.S.P.Q.2d 1453 (Fed cir. 1998). In this case, Antosik discloses a method and system for extracting the data fro the incoming signals and combining them into a different signals based on the clock cycles such 155 or 622 of OC-3 or OC-12. Goodman discloses a method and system for receiving incoming signals and combining them into a different signal. Since, using buffer between the input and output are well known and expected in the art for storing the data according the speed of buffer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a buffer for storing the incoming signals or temporarily storing data is performed according to the FIFO concept with a speed corresponding to the input data rate of the connected port as disclosed by Gooman's system and method into Antosik's method and

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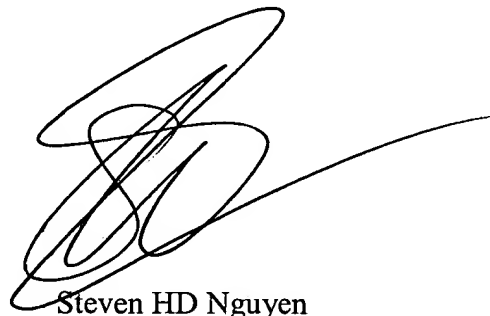
system. The motivation would have been matching the rates between the inputs and a output signal and prevent data loss.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
6/4/05